



## **GBH, CPEC AND KASHMIR**

**(REVISED DOCUMENT)**

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Chairman International Lawyers Forum for Peace & Justice

[mla\\_mirpur@yahoo.com](mailto:mla_mirpur@yahoo.com)

In order to legitimize its sovereignty over Gilgit-Baltistan-Hunza (GBH) and legalize the China-Pakistan Economic Corridor (CPEC) through the territory of disputed Kashmir state, the Government of Pakistan made another unsuccessful attempt to declare Gilgit-Baltistan-Hunza as an additional or fifth province of Pakistan. The Kashmir based International Lawyers Forum for Peace and Justice already had asserted clearly that the CPEC or any other construction to exploit resources of GBH will remain illegal and contested till the Kashmir dispute is resolved legally and satisfactorily not only for the people of GBH but also for the people of all parts of Kashmir state. The democratic and freedom loving people of all parts of Kashmir, Pakistan, India and the world over should support the people of Gilgit-Baltistan-Hunza who are making great sacrifices for their basic rights and playing the role of a lighthouse towards the resolution of Kashmir dispute.

**The Colonial Sting:**

In its five thousand years history, the geographical label Kashmir was coined first time in 1846 by the British colonialists. A new Kashmiri state was created comprising the area of 84471 square mile under the British protected rule of Maharaja Gulab Singh and his family. This new Kashmiri state was, first time in its history, given a colonial name of 'The State of Jammu Kashmir Wa Aksai Tibet Ha'. This new Kashmiri state inhabited the people of Srinagar Valley, Poonch, Jammu, Kishtwar, Laddakh and Gilgit-Baltistan-Hunza each having their own culture and history. These multi-cultural-nationalities had nothing in common except geographical identity of Kashmir. However, during the era of British colonialism the label of Kashmir was confined to the Srinagar Valley only. This is how a colonial attempt was made to corrupt the term Kashmir by confining it to the people of Srinagar Valley. This could also be described as a blocking stone in the struggle for a political construction of common national

identity of Kashmir in the process of decolonization of the state and the colonial label still remains as a barricade.

In 1947, after 101 years rule of Maharaja Ghulab Singh and his family under the protection of British Raj, the people of Kashmir state reclaimed their common Kashmiri national identity and sovereignty by waging a war for Azad Kashmir against the illegal rule of Maharaja Hari Singh. The people of GBH

played a glorious role in liberating Gilgit-Baltistan-Hunza and Muzaffarabad-Poonch-Mirpur (MPM) from the Maharaja Forces and in defending Azad Kashmir against Indian occupying forces for a very long time. Colonel Hassan Mirza who led a successful armed struggle against the Maharaja army from GBH in the war for Azad Kashmir has become a popular legend not only in GBH but also in MPM.

### **GBH Stands Against Foreign Occupation:**

Like the people of Poonch, Jammu, Kishtwar, Laddakh and Srinagar Valley, the people of Gilgit didn't accept the Maharaja Ghulab Singh and his family as their legal and fair ruler. In 1852, the people of Gilgit stood up against the Maharaja rule and they threw away the Maharaja army under the leadership of Goher Aman. After the passing away of Goher Aman in 1860 the Maharaja Ranbir Singh, the son of Maharaja Ghulab Singh invaded Gilgit and annexed it once again. However the glorious struggle of Gilgit started against the Maharaja rule in 1852 continues till today in the form of the resistance of Gilgit-Baltistan-

Hunza for their basic rights and against the foreign occupation over Kashmir state. This resistance of Gilgit-Baltistan-Hunza is, as a matter of fact, the continuation of the glorious role of the people of Gilgit-Baltistan-Hunza which they played during Azad Kashmir war in 1947-1948.

### **The Division of Azad Kashmir Into Two Zones:**

According to the requirements of plan made by British and India and agreed between the government of India and the government of Pakistan issued, according to Alastair Lamb, on 27th November 1947, the Azad Kashmir army was to be disbanded after the Cease-Fire-Line established and before the Indian promise for plebiscite in Kashmir to be fulfilled. In order to accomplish

this task easily another plan was made to divide Azad Kashmir, the base camp at the time for Azad Kashmir movement into two zones. This plan was implemented through a pact called Karachi Pact of 28th April 1949. After the Cease-fire-Line was established, Azad Kashmir was divided into two separate zones, GBH zone and MPM zone.

No any party shown on the Karachi pact had any legal authority whatsoever to make this pact. The Karachi pact, therefore, remains illegal so do the all following acts carried out on the basis of this pact. Today, both the zones of Kashmir, GBH and MPM remain divided and occupied by Pakistan without having any legal justification.

### **A Legal Way Forward :**

Both the zones of Kashmir, GBH and MPM, are under the administration of Pakistan. The government of Pakistan has no any legal authority to impose any legal status of their choice over any part of Kashmir. The local administrations in Gilgit and Muzaffarabad do not have power of single legal authority to make legal agreements with any other country including Pakistan and China. Therefore, construction of CPEC, dams or any other project to exploit the resources of GBH is illegal, a form of oppression and basis of injustices to the indigenous population.

The legal and fair way forward for all the parties involved in Kashmir dispute and for the world commercialism is to re-establish the Azad Kashmir government on the basis of the declaration made on 4th October 1947 and both the zones of Kashmir, GBH and MPM should be reunited under the Azad

Kashmir government as a first step. Then, the government of Pakistan, the government of China and other friendly countries should recognize Azad Kashmir government as a legal and sovereign government of Kashmir state as a second step. After this any joint pact or project of mutual inductance signed by the single legal authority, the Azad Kashmir government will be classified as a legal venture.

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